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P/1318-149

#2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

David VARDI

Date: April 5, 2002

Serial No.: 10/026,309

Group Art Unit: 2171

Filed: December 21, 2001

Examiner: - HA

For: AGGREGATION AND DISSEMINATION OF HARDWARE
AND SOFTWARE INVENTORY DATA

Asst. Commissioner for Patents
Washington, D.C. 20231

RECEIVED

APR 18 2002

OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. §1.10(c)

This is a Petition under 37 C.F.R. §1.10(c). On December 21, 2001, this application was properly deposited in the United States Express Mail as shown by the attached Declaration of Dorothy Jenkins, an employee of Ostrolenk, Faber, Gerb & Soffen, the law firm representing the applicant. The Declaration is attached as Exhibit 1. This application has not been accorded this filing date, but has been accorded a filing date of December 22, 2001. However, the attached declaration and this petition establish that this application should be accorded a filing date of December 21, 2001 because of a U.S. Postal Service (USPS) error beyond the control of Applicant or his attorneys. The declaration establish the following facts:

On December 21, 2001 an Express Mail envelope enclosing this application and bearing the Express Mail label for this application No. EL157419035US, was picked up by a U.S. Postal Service employee, Mr. Brian Lyiscott. In addition to this envelope, a number of other envelopes were picked up by the postal service employee. A copy of the Pickup Service Statement of the USPS is attached as Exhibit 3. It establishes that this application was deposited in the U.S. Express Mail and received by the USPS as Express Mail on December 21, 2001. See the Declaration of Exhibit 1.

However, when later completing the Post Office origin section on the Express Mail label form, the postal employee mistakenly filled in the date of December 22, 2001, instead of the actual date of December 21, 2001. This error was carried out on all the Express Mail envelopes picked up by him that day, as evidenced by the samples of other label copies bearing the December 22 date which appear on the December 21, 2001 Pickup Statement attached hereto as Exhibit 4.

This error was further compounded by the Patent Office, who entered the date of December 22, 2001 on the return receipt postcard relating to this application. See Exhibit 5. In point of fact, December 22, 2001 was a Saturday and thus could not have been the actual date of receipt of these papers.

Based upon the above, it is submitted that facts have been shown why this application should be entitled to the date of pick-up of December 21, 2001 shown in Exhibit 3. This application was not accorded its date of pickup solely due to an error by the USPS agent who processed the Express Mail. Accordingly, it is submitted that this application should be accorded a filing date of December 21, 2001.

Exhibit 1 establishes that Dorothy Jenkins is an employee of Ostrolenk, Faber, Gerb & Soffen who signed the Express Mail Certificate and delivered the Express Mail package for this application to the USPS employee, Mr. Brian Lyiscott, on December 21, 2001. Exhibits 1 and 3 establish that this package was received by the USPS on December 21, 2001.

This Petition has been filed promptly upon notification that the Patent Office has accorded a filing date other than the USPS Express Mail deposit date.

The number of the Express Mail mailing label EL157419035US was properly placed on this application. In particular, it was placed on the transmittal, dated December 21, 2001, for this application. See Exhibit 2.

A true copy of the Pickup Service Statement of the USPS showing pickup by the USPS on December 21, 2001 is attached as Exhibit 3.

A copy of the Filing Receipt, with the requested correction marked in red, is attached hereto as Exhibit 6.

The above facts establish that the USPS mistakenly entered an incorrect pickup date of December 22, 2001 on Express Mail package labels which had originally been picked up on December 21, 2001 for next day delivery to the U.S. Patent and Trademark Office.

Please charge any fees in connection with this Petition to Deposition Account No. 15-0700.

Based upon the above, Applicant respectfully requests that the filing date of December 21, 2001 be accorded this application.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231, on April 5, 2002

Respectfully submitted,

Max Moskowitz
Name of applicant, assignee or
Registered Representative

Signature

April 5, 2002
Date of Signature

Max Moskowitz
Registration No.: 30,576
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

MM:cg
Enclosure



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

David VARDI

Date: April 5, 2002

Serial No.: 10/026,309

Group Art Unit: 2171

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For: AGGREGATION AND DISSEMINATION OF HARDWARE
AND SOFTWARE INVENTORY DATA**RECEIVED**
APR 18 2002Asst. Commissioner for Patents
Washington, D.C. 20231

OFFICE OF PETITIONS

DECLARATION OF DOROTHY JENKINS IN SUPPORT OF FILING DATE

I, Dorothy Jenkins declare as follows:

1. I am an employee of Ostrolenk, Faber, Gerb & Soffen, LLP.
2. On December 21, 2001, I placed into the U.S. Express Mail an envelope bearing Express Mail No. EL157419035US, addressed to the Commissioner for Patents, P.O. Box 2327, Arlington, Virginia 22202. I signed the Express Mail Certificate on the transmittal for the application (Exhibit 2), placed the entire application into an envelope and handed it to the US Postal Service (USPS) employee, Mr. Brian Lyiscott, along with a number of other Express Mail packages to be sent to the U.S. Patent and Trademark Office.
3. I signed the "Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post", (Exhibit 3) given to me by the US Postal Service employee, Brian Lyiscott on December 21, 2001.
4. The USPS employee left my employer's office on December 21, 2001 bearing the 13 Express Mail envelopes listed on the Pickup Statement, including the envelope containing this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: April 5, 2002


Dorothy Jenkins

OSTROLENK, FABER, GERB & SOFFEN, LLP

Attorneys at Law

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New York, New York 10036-8403

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email@ostrolenk.com

Express Mail #EL157419035US

Asst. Commissioner for Patents
Washington, DC 20231

OFGS File No. : P/1318-149
Inventor : David VARDI
Title : AGGREGATION AND DISSEMINATION OF
HARDWARE AND SOFTWARE INVENTORY DATA
Assignee : Isogon Corporation

Enclosed herewith please find the following documents in the above-identified application for United States Letters Patent:

☒ Print EFS Data Sheet
23 Pages of Specification including Abstract and Claims
24 Numbered Claims Calculated as 24 Claims for Fee Purposes
5 Sheets of Drawing Containing Figures 1 to 5. (Informal)
☒ Declaration and Power of Attorney
☒ Priority is Claimed under 35 U.S.C. §119:
Convention Date December 21, 2000 for Provisional Appln. S.N. 60/257,335
☒ Small Entity Status is claimed.
☒ Assignment
☒ Return-Addressed Post Card

OFGS Check No. 7874, which includes the fee of \$446.00, calculated as follows:

Basic Filing Fee:	\$ 740.00
Additional Filing Fees:	
Total Number of Claims in Excess of 20, times \$18:	72.00
Total Filing Fee Reduced 50% for Small Entity:	406.00
Assignment Recording Fee: \$40	40.00
TOTAL Filing Fee and Assignment Recording Fee:	<u>\$ 446.00</u>

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed, or if any additional fee during the prosecution of this case is not paid, the Patent and Trademark Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

EXPRESS MAIL CERTIFICATE

Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label #EL157419035US in an envelope addressed to: Asst. Commissioner for Patents, P.O. Box 2327, Arlington, Virginia 22202 on December 21, 2001

Dorothy Jenkins

Name of Person Mailing Correspondence

Dorothy Jenkins

Signature

December 21, 2001

Date of Signature

Max Moskowitz
Registration No.: 30,576
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

United States Postal Service

**Pickup Service Statement for
Express Mail, Priority Mail, or Parcel Post**

1. Attach Meter Strip or Stamps Here

2. Customer Name and Address (No. Street, Ste. No., City, and State)

OSTROLENK, FABER
1180 6th AVE - 7th fl.
NY NY 10036

3.

DEC 21 2001

Express Mail

Quantity

13

Priority Mail

Quantity

1

Parcel Post

Quantity

4. Custom Design Agreement (CDA)

5. Method of Payment

CDA Number

☒ Corporate Account

No. X098096

☐ Federal Agency Account

No.

☐ Meter Strip or Stamps

(Apply fee in item 1 above)

6. Express Mail Label Numbers

Item No.	Express Mail Label Number	Item No.	Express Mail Label Number	Item No.	Express Mail Label Number
1	EL236408786	6	EL613106390	11	EL334668154
2	EL236407233	7	EL613941321	12	EL855847225
3	EL157416944	8	EL157419035	13	EL334616792
4	EL613940255	9	EL236407220	14	
5	EL924390115	10	EL334668145	15	

7. Customer Signature

8a. USPS Signature

8b. Date of Pickup

8c. Time of Pickup

PS Form 5541, August 1996

3 - Customer Copy

Express Mail, Priority Mail, or Parcel Post

2. Customer Name and Address (No. 1180 6th Ave - 7th fl., NY, NY, 10036)

DEC 21 2001

Express Mail	Quantity <u>13</u>
Priority Mail	Quantity <u>1</u>
Parcel Post	Quantity

4. Custom Design Agreement (CDA)

CDA Number

5. Method of Payment

☒ Corporate Account

No. X098096

☐ Federal Agency Account

No.

☐ Meter Strip or Stamps

(Apply fee in Item 1 above)

6. Express Mail Label Numbers

Item No.	Express Mail Label Number	Item No.	Express Mail Label Number	Item No.	Express Mail Label Number
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2	EL236407233	7	EL613941321	12	EL855847225
3	EL157416944	8	EL157419035	13	EL334616792
4	EL613940255	9	EL236407220	14	
5	EL924390115	10	EL334668145	15	

7. Customer Signature A. Jenkins


8a. USPS Signature

8b. Date of Pickup

8c. Time of Pickup

PS Form 5541, August 1986

3 - Customer Copy



EXPRESS MAIL
UNITED STATES POSTAL SERVICE®

POST OFFICE TO ADDRESSEE

EL 924390115 US

Customer Copy
Label 11F August 2000

ORIGIN (POSTAL USE ONLY)

PO ZIP Code 10199 Day of Delivery ☐ ☐ Flat Rate Envelope ☐

Date 12-22 Time 12:45 Postage 10.46

Weight 3 lbs. 3 oz. AM ☐ PM ☐ Return Receipt ☐

Int'l Alpha Country Code 22 CDD Fee ☐ Insurance Fee ☐

No Delivery ☐ Weekday ☐ Holiday ☐ Acceptance Mark Initial LS Total Postage & Fees \$

CUSTOMER USE ONLY


METHOD OF PAYMENT X098096


FROM: PLEASE PRINT PHONE 2-2747-SHOW

OSTROLENK, FABER, GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
FL 7
NEW YORK NY 10036-8443

TO: PLEASE PRINT PHONE 222-0235

U.S. PATENT & TRADEMARK OFFICE
P.O. BOX 2327
ARLINGTON VA 22202

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com 



EXPRESS MAIL
UNITED STATES POSTAL SERVICE®

POST OFFICE TO ADDRESSEE

EL 613941321 US

Customer Copy
Label 11F July 1997

ORIGIN (POSTAL USE ONLY)

PO ZIP Code 10199 Day of Delivery ☐ ☐ Flat Rate Envelope ☐

Date 12-22 Time 12:45 Postage 10.46

Weight 3 lbs. 3 oz. AM ☐ PM ☐ Return Receipt ☐

Int'l Alpha Country Code 22 CDD Fee ☐ Insurance Fee ☐

No Delivery ☐ Weekday ☐ Holiday ☐ Acceptance Mark Initial LS Total Postage & Fees \$

CUSTOMER USE ONLY


METHOD OF PAYMENT X098096

FROM: PLEASE PRINT PHONE 225-8

OSTROLENK, FABER, GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
FL 7
NEW YORK NY 10036-8443

TO: PLEASE PRINT PHONE 222-0235

U.S. PATENT & TRADEMARK OFFICE
P.O. BOX 2327
ARLINGTON VA 22202

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.gov 

Serial No. _____ Filing Date _____ OFGS File No. P/1318-149
Title AGGREGATION AND DISSEMINATION OF HARDWARE ... DATA
First Inventor DAVID VARDI Date 12/21/01
The PTO has received: _____ Last Due Date: _____

☒ Patent Application of 23

Pages (including claims & abstract)

☒ Declaration or ☐ Designation Sheet

☒ Drawings 5 Sheet(s)/Figs. 1 to 5

☐ Priority Document

☐ Small Entity Declaration

☒ Assignment & Conveyance Cover Sheet

☐ Information Disclosure Statement

☐ PTO-1449

☐ Amendment

☐ Affidavit or Declaration

☒ Print EFS DATA SHEET

☒ Check No. 7874 for \$ 446-

Atty/Secy MM:18

☐ TM Application ☐ ITU Basis

☐ Statement of Use

☐ Extension of Time

☐ Notice of Appeal

☐ Brief

☐ Petition

☐ Status Request

☐ Issue Fee

☒ Certificate of Mailing

☐ Express Mail No. _____

J1017 U.S. PTO

10/026309



12/22/01
PTO STAMP

JAN - 9 2002

EL157419035US

J1017 U.S. PTO

10/026309



12/21/01



UNITED STATES PATENT AND TRADEMARK OFFICE

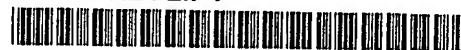
COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/026,309	12/22/2001 12/21/2001	2171	406	P/1318-149	5	24	1

000002352
OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

CONFIRMATION NO. 7991

FILING RECEIPT



OC000000007375595

Date Mailed: 01/28/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

David Vardi, New York, NY;

Assignment For Published Patent Application

Isogon Corporation;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/257,335 12/21/2000

Foreign Applications

If Required, Foreign Filing License Granted 01/28/2002

Projected Publication Date: 06/27/2002

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Aggregation and dissemination of hardware and software inventory data

Preliminary Class